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June 5, 2023

VIA ECF

The Honorable Leo I. Brisbois
United States District Court
515 W. 1st Street
Duluth, MN 55802

Re: *Moyer v. Jackson, et al.*, Court File No. 0:23-cv-0138-JWB-LIB (D. Minn.)

Dear Judge Brisbois:

Defendants, through counsel and with the Court's permission, submit this letter to apprise the Court of additional recent email communications that Plaintiff, *pro se*, has sent to Defendants' counsel in the days following Defendants' Motion for Miscellaneous Relief. Defendants filed their Motion for Miscellaneous Relief on May 22, 2023, which asked this Court to grant several forms of relief following a series of hostile emails in which Plaintiff called one of Defendants' counsel a "dumbass" and a "hoe," and told her to "[g]o to hell," to "shut the fuck up," and to "[t]ake that letter you wrote me turn around and shove it up your c[**]t." *See* ECF Doc. 51. On May 23, 2023, Plaintiff sent two additional emails to Defendants' counsel.

First, Plaintiff sent an email accusing Defendants' counsel of "dip[ping] and div[ing] on wanting evidence submitted into a case," and of "instruct[ing] your clients to continue to break the law." *See* Ex. T.¹

Second, Plaintiff sent an email to Ms. Donesky—the target of the vile May 15, 2023 email communications—wherein he engaged in further harassing conduct. In an email titled "Disbarment," Plaintiff told Ms. Donesky that he had "filed documents with the state bar to have you your [sic] law license removed," and accused counsel of sending "a falsified document/video to [a] Federal Judge." *See* Ex. U.

These baseless and harassing communications further support Defendants' Motion for Miscellaneous Relief. They confirm that without action by this Court, Plaintiff's vile

¹ The exhibits referenced in this letter are attached to the Supplemental Declaration of Tracey Holmes Donesky in Support of Defendants' Motion for Miscellaneous Relief, which has been filed contemporaneously with this letter brief.

The Honorable Leo I. Brisbois
June 5, 2023
Page 2

communications and behavior towards Defendants' counsel will continue and likely worsen. And they also confirm a mere verbal or written reprimand will not end this harassing behavior. Plaintiff has demonstrated an inability to conduct himself with the bare minimum professionalism and decency that is required of litigants in this Court. And Plaintiff's opposition brief makes clear that Plaintiff is showing no remorse for his behavior. *See* ECF Doc. 58. If Plaintiff wishes to continue to litigate this (or any other) action, Plaintiff must comport himself with "basic rules of ethics and civility." *Sanders v. Delta Air Lines, Inc.*, 2014 WL 2859135, at *3 (D. Ariz. June 23, 2014). Harassing opposing counsel by threatening a frivolous report to the state board and making baseless accusations of unlawful activities is simply unacceptable. *E.g., Barrett v. Va. St. Bar*, 611 S.E.2d 375, 381 (Va. 2005) (explaining it is improper to "threaten[] [an attorney] with disciplinary complaints in order to obtain an advantage in [litigation]"); 7A C.J.S. Attorney & Client § 117 (explaining it is improper to "institut[e] disbarment proceedings against an attorney with improper motives and without just grounds, or [to] threaten[] to bring disciplinary charges solely to obtain an advantage in a civil matter").

Accordingly, Defendants reiterate their request that this Court issue an order that states in the strongest terms that Plaintiff must cease this lewd, hostile, and harassing behavior, requires Plaintiff to show cause as to why appropriate sanctions should not be imposed on him, and appoints an attorney to represent Plaintiff in this action, along with any other relief that this Court finds appropriate.

Dated: June 5, 2023

Respectfully submitted,

/s/ Todd A. Noteboom
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